

**CITY OF MILPITAS PLANNING COMMISSION  
AGENDA FOR DECEMBER 10, 2008  
CITY HALL COUNCIL CHAMBERS 7:00 P.M.  
455 E. CALAVERAS BLVD., MILPITAS, CA 95035  
(408) 586-3279**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. PUBLIC FORUM**

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Members of the audience are invited to address the Planning Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Secretary's record, and limit their remarks to under three minutes. As an unagendized item, no response is required of the City staff or the Commission; however, the Commission may agendize the item for a future meeting.

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- IV. APPROVAL OF MINUTES:** November 12, 2008
- V. ANNOUNCEMENTS**
- VI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VII. APPROVAL OF THE AGENDA**
- VIII. CONSENT CALENDAR (Items with an asterisk \*)**

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The consent calendar items are considered to be routine and will be considered with one public hearing and adopted by one motion. There will be no separate discussion of these items unless a member of the Planning Commission, member of the audience, or staff requests the Planning Commission to have an item removed from or added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

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**IX. PUBLIC HEARING**

- \*1. CONDITIONAL USE PERMIT NO. UA08-0013:** A request to expand a daycare center for children located at 633 and 635 S. Main Street. No exterior changes are proposed. (APN: 086-11-017), zoned Mixed Use with Site and Architectural Overlay (MXD-S) and located within the Midtown Specific Plan. Applicant: Caroline Mike. Staff Contact: Judie Gilli (408) 586-3280. PJ # 2558. *(Recommendation: Adopt Resolution No. 08-064 approving the project subject to Conditions of Approval.)*
- \*2. CONDITIONAL USE PERMIT AMENDMENT NO. UA08-0014:** A request to amend an existing Conditional Use Permit to allow the sale of alcoholic beverages for consumption on-site at an existing restaurant within the Great Mall located at 246 Great Mall Drive. (APN: 086-24-060), zoned General Commercial with Site and Architectural Review Overlay District (C2-S). Applicant: Chipotle Mexican Grill. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2561. *(Recommendation: Adopt Resolution No. 08-065 approving the project subject to Conditions of Approval.)*
- \*3. MAJOR TENTATIVE MAP NO. MT08-0002, CONDITIONAL USE PERMIT NO. UP08-0046, DEVELOPMENT AGREEMENT, OWNER PARTICIPATION AGREEMENT, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0005:**

A request to subdivide a 24 acre site into nine (9) parcels for condominium purposes, establish building setbacks, improve existing roads, construction of a new local street, and create an urban plaza and public trail along Penetencia Creek. The project contemplates the future development of 1,573 dwelling units through a 10% density bonus for affordable housing over the entire project and an additional 25% transit density bonus on the properties zoned MXD2. Commercial space totaling 92,757 square feet is also contemplated on three (3) parcels within mixed use buildings. The project will be subject to both a Development Agreement and Redevelopment Owner Participation Agreement to address purchase of additional parkland, project affordability, and tax-increment participation. The project is located at the intersection of Great Mall Parkway and McCandless Drive (1315 McCandless Drive) (APNs: 086-33-092, 086-33-093, 086-33-094, 086-33-095, 086-33-098, 086-33-099, and 086-33-101), zoned a combination of Residential – Retail High Density Mixed Use and High Density Transit Oriented Residential with Site and Architectural Overlay (MXD2-S and R3-S). Applicant: Integral. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. PJ # 3222 *(Recommendation: Open the public hearing and continue the public hearing to January 14, 2009 Planning Commission hearing.*

- \*4. **MAJOR TENTATIVE MAP NO. MT08-0001, SITE DEVELOPMENT PERMIT NO. SZ07-0002, CONDITIONAL USE PERMIT NO. UP08-0045, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0004:** A request to develop an existing office campus by maintaining the existing buildings and parking lot and adding 424,814 square feet of office space in six, five story buildings and constructing an elevated parking deck. When built out, the total square footage of the campus would be 1,415,814 square feet. Because of potential environmental impacts stemming from the project, the project is subject to an Environmental Impact Report. The project is located at 205 N. McCarthy Ranch Boulevard (APNs: 022-56-005 through 009), zoned Industrial Park with Site and Architectural Overlay (MP-S). Applicant: Equity Office. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. PJ # 3223 *(Recommendation: Open the public hearing and continue the public hearing to January 14, 2009 Planning Commission hearing.*
- 5. **MAJOR TENTATIVE MAP NO. TM08-0002 PLANNED UNIT DEVELOPMENT NO. PA08-0001 AND SITE DEVELOPMENT AMENDMENT NO. SA08-0022:** A request for approval of a Planned Unit Development Amendment and Site Development Amendment which includes a revised site design for 285 townhome units, tandem parking, modifications to open space and setbacks. The project is located at Murphy Ranch Road at SanDisk Drive (APN: 086-01-042), zoned Single Family Residential (R-4) with a Planned Unit Development. Applicant: Fairview Murphy Road LLC. Staff Contact: Judie Gilli (408) 586-3280. PJ # 2546. *(Recommendation: Adopt Resolution No. 08-068 recommending approval of the project to the City Council subject to Conditions of Approval)*
- 6. **ZONING AMENDMENT NO. ZA08-009, CONDITIONAL USE PERMIT NO. UP08-0039 AND ENVIRONMENTAL ASSESSMENT NO. EA08-0007:** A request to amend the City of Milpitas Zoning Ordinance to conditionally permit farmer's markets in the Industrial Park Zoning Districts (Section 35) and include as Special Use (Section 13) of the Milpitas Zoning Ordinance. The application request also includes a Conditional Use Permit and Environmental Assessment to allow for the establishment of a farmer's market that will be operated all year on Sundays between the hours of 7:00 AM to 1:00 PM at the India Community Center located at 525 Los Coches Street (APN: 086-28-052), zoned Industrial Park with Site Development Overlay (MP-S). Applicant: Anil Godhwani, India Community Center. Staff Contact: Cindy Hom (408) 586-3284. *(Recommendation: Adopt Resolution No. 08-067 recommending approval of the Zoning Text Amendment, Environmental Impact Assessment and the Conditional Use Permit to the City Council, subject to conditions of approval.)*

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Any person aggrieved by any final decision of any, board, commission, or department head to the City of Milpitas may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within twelve (12) calendar days of the date of said decision and paying the required fee. This time limit shall be strictly enforced.

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## **XI. ADJOURNMENT**

### ***THE NEXT PLANNING COMMISSION MEETING IS January 14, 2009***

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The Planning Division will provide a recorded agenda or minutes on standard cassette or printed in large type upon request for the visually impaired. In compliance with the Americans with Disabilities act, individuals requiring accommodation for this meeting should notify the Planning Division prior to the meeting at (408) 586-3279, TDD (408) 586-3013.

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#### **MILPITAS PLANNING COMMISSION SUBCOMMITTEE**

The Planning Commission Subcommittee consists of two members (currently Sudhir Mandal-regular member, Larry Ciardella-regular member, Gurdev Sandhu - alternate member) of the Planning Commission, who have approval authority for Minor Site Development Permits and other minor project reviews not involving public hearings. **This project review will be held at 6:30 P.M. in the City of Milpitas Committee Conference Room, First Floor, 455 E. Calaveras Boulevard.**

- a. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0020:** A request to locate a new vapor recovery system to an existing service station at 1640 North Milpitas Blvd. (APN: 026-06-001) zoned Neighborhood Commercial with Site and Architectural Review Overlaying District (C1-S). Applicant: Michelle Doyle. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Approve MS08-0020 subject to the conditions of approval.)*
- b. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0021:** A request to modify the pedestrian trail for the Town Home Villas located on the northwest portion of the Town Center shopping Center (APN: 028-35-001 through 028-35-065) zoned Town Center West with Site and Architectural Review Overlaying District. Applicant: Shapell Homes. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Approve MS08-0021 subject to the conditions of approval.)*
- c. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0025:** A request to construct a 395 square foot chain link utility enclosure and install a new 30-foot tall nitrogen storage tank at the rear of building located at 927 Gibraltar Drive (APN: 086-42-020), zoned Heavy Industrial and Site and Architectural Overlay (M2-S). Applicant: Wayne Renshaw. Staff Contact: Cindy Hom (408) 586-3284. *(Recommendation: Approve Minor Site Development Permit No. MS08-0025 subject to the conditions of approval.)*
- d. MINOR SITE DEVELOPMENT PERMIT NO. MS08-0027:** A request to install an equipment enclosure that is approximately 480 square feet in size and related equipment for a temporary soil vapor extraction system located at 1350 S. Park Victoria Drive (APN: 088-36-044), zoned General Commercial. Applicant: PES Environmental. Staff Contact: Cindy Hom (408) 586-3284. *(Recommendation: Approve Minor Site Development Permit No. MS08-0027 subject to the conditions of approval.)*

#### **KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. Materials related to an item on this agenda submitted to the Planning Commission after initial distribution of the agenda packet are available for public inspection at the Planning Department at Milpitas City Hall, 455 East Calaveras Boulevard, Milpitas, CA 95035 during normal business hours. **FOR MORE INFORMATION ON YOUR**

RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE  
ORDINANCE, CONTACT THE OPEN GOVERNMENT SUBCOMMITTEE

at the City Attorney's office at the Milpitas City Hall, 455 E. Calaveras Blvd, Milpitas, CA 95035.

E-mail: [mogaz@ci.milpitas.ca.gov](mailto:mogaz@ci.milpitas.ca.gov)

Fax: (408) 586-3030

Phone: (408) 586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's  
website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) Select Open Government Ordinance under News Features